



Comparable to Form PTO/SB/01
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office; U.S. Department of Commerce

**DECLARATION FOR UTILITY OR
DESIGN PATENT APPLICATION
(37 CFR 1.63)**

- Declaration Submitted With Initial Filing Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(a)) required

| | |
|--------------------------|-----------------|
| Attorney Docket No.: | AME1255P0013 |
| First Named Inventor: | Edward T. Jones |
| <i>COMPLETE IF KNOWN</i> | |
| Application Number: | 09/377,121 |
| Filing Date: | August 19, 1999 |
| Group Art Unit: | 1721 |
| Examiner Name: | Not Assigned |

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Diesel Fuel Additive Composition and Method for the Treatment of Diesel Fuels, the specification of which:

- is attached hereto; or
 was filed on August 19, 1999
as Application Serial No. 09/377,121
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information to the Patent and Trademark Office known to me to be material to patentability of this application, as defined in 37 CFR. 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Numbers | Country | Foreign Filing Date | Priority Not Claimed | Certified Copy Attached? | |
|-----------------------------------|---------|---------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- Additional foreign application numbers are listed on a supplemental priority data sheet (PTO/SB/02B) attached hereto.

I hereby claim the benefit under 35 U.S.C. 119 (e) of any United States application(s) listed below.

| Application Number(s) | Filing Date | [] Additional provisional application numbers are listed on a supplemental priority data sheet (PTO/SB/02B) attached hereto. |
|-----------------------|-------------|---|
| | | |

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date | Parent Patent Number (if applicable) |
|--|--------------------|--------------------------------------|
| 09/156,420 | September 18, 1998 | |

[] Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet (PTO/SB/02B) attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | | | |
|---------------------|-----------------|------------------|-----------------|
| Lawrence J. Chapa | Reg. No. 39,135 | Paul M. Odell | Reg. No. 28,332 |
| Randall T. Erickson | Reg. No. 33,872 | Robert B. Polit | Reg. No. 33,993 |
| Stephen D. Geimer | Reg. No. 28,846 | Elaine M. Ramesh | Reg. No. 43,032 |
| Allen J. Hoover | Reg. No. 24,103 | Keith V. Rockey | Reg. No. 24,713 |
| Martin L. Katz | Reg. No. 25,011 | Thomas I. Ross | Reg. No. 29,275 |
| Kathleen A. Lyons | Reg. No. 31,852 | Joel E. Siegel | Reg. No. 25,440 |
| John P. Milnamow | Reg. No. 20,635 | Paul M. Vargo | Reg. No. 29,116 |
| Lisa V. Mueller | Reg. No. 38,978 | | |

whose mailing address for this application is: ROCKEY, MILNAMOW & KATZ, LTD.
Two Prudential Plaza - Suite 4700
180 North Stetson Avenue
Chicago, Illinois 60601
Telephone: (312) 616-5400
Facsimile: (312) 616-5460

I CORDIALLY declare that all statements made before me are true to my knowledge and belief and that any statement made in this application and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|---|--|
| Name of First Named Inventor: | Edward T. Jones |
| Citizenship: | US |
| Residence: | 836 N. Eighth Avenue, Sturgeon Bay, WI 54235 |
| Post Office Address: | Same As Above |
| Signature: Nonsigning Inventor-completed on added page. | Date: |

| | |
|--------------------------------------|---|
| Name of Additional Inventor, if any: | Richard Fisher |
| Citizenship: | US |
| Residence: | 1221 East Donges Court, Milwaukee, WI 53217 |
| Post Office Address: | Same As Above |
| Signature: | Date: 10/26/99 |

| | |
|--------------------------------------|--|
| Name of Additional Inventor, if any: | Lewis Herro |
| Citizenship: | US |
| Residence: | 945 13 th Street, Grafton, WI 53024 |
| Post Office Address: | Same As Above |
| Signature: Lewis M. Herro ... | Date: 10/26/99 |

| | |
|--------------------------------------|-------|
| Name of Additional Inventor, if any: | |
| Citizenship: | |
| Residence: | |
| Post Office Address: | |
| Signature: | Date: |

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|--------------------------------------|-------|
| Name of Additional Inventor, if any: | |
| Citizenship: | |
| Residence: | |
| Post Office Address: | |
| Signature: | Date: |



PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Fuel Additive Composition And Method For The Treatment Of Fuels

is attached hereto;

was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose all information to the Patent and Trademark Office known to me to be material to patentability of this application, as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following as my attorneys or agents with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

| | | | | | |
|-------------------|-----------------|--------------------|-----------------|-----------------|-----------------|
| James E. Gauger | Reg. No. 38,154 | Kathleen A. Lyons | Reg. No. 31,852 | Keith V. Rockey | Reg. No. 24,713 |
| Stephen D. Geimer | Reg. No. 28,846 | John P. Milnamow | Reg. No. 20,635 | Thomas J. Ross | Reg. No. 29,275 |
| H. Vincent Harsha | Reg. No. 18,045 | Thomas E. Northrup | Reg. No. 33,268 | Jack Shore | Reg. No. 17,551 |
| Allen J. Hoover | Reg. No. 24,103 | Lisa V. Mueller | Reg. No. 38,978 | Joel E. Siegel | Reg. No. 25,440 |
| Martin L. Katz | Reg. No. 25,011 | Paul M. Odell | Reg. No. 28,332 | Paul M. Vargo | Reg. No. 29,116 |
| | | Robert P. Polit | Reg. No. 33,993 | | |

whose mailing address for this application is:

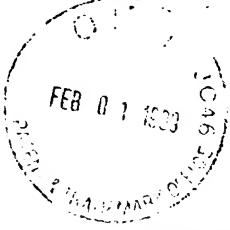
ROCKEY, MILNAMOW & KATZ, LTD.
Two Prudential Plaza - Suite 4700
180 North Stetson Avenue
Chicago, Illinois 60601
Telephone: (312) 616-5400

Full name of SOLE or FIRST inventor Edward T. Jones

Citizenship U.S. Residence 836 N. Eighth Avenue, Sturgeon Bay, WI 54235

Post Office Address (If different) Same as Above

Inventor's signature: Edward T. Jones Date: 4/22/98



AFFIDAVIT OF EDWARD T. JONES
PRESIDENT, NUTECH ENGINEERING INTERNATIONAL, INC.

OZAUKEE COUNTY)
) ss.
WISCONSIN)

I, Edward T. Jones, being duly sworn under oath, state and depose as follows:

1. I am presently the President of Nutech Engineering International, Inc. ("Nutech"), and was the President of Nutech on March 31, 1998.
2. On or about March 31, 1998, Nutech sold various of its assets to American Energy Group, Inc., a Wisconsin corporation ("AEG"). Included in the assets which Nutech sold to AEG were all right, title and interest in and to the formulae for and other intellectual property related to the products enumerated in Exhibit A, attached hereto (the "Formulae"). Among these products were four fuel additives which are listed below and which are also identified by the United States Environmental Protection Agency ("the EPA") internal identification numbers listed below:

| | |
|-----------|----------------------------------|
| 1765-0001 | Pro-Motion Gasoline Treatment |
| 1765-0001 | Centron Gasoline Treatment |
| 1765-0002 | Pro-Motion Diesel Fuel Treatment |
| 1765-0002 | Centron Diesel Fuel Treatment |

3. As President of Nutech and on its behalf as the manufacturer, I previously registered some or all of the Formulae with the EPA as fuel additives.
4. Sometime after March 31, 1998, I obtained registration of some or all of the Formulae on behalf of AEG pursuant to a supplemental notification.
5. Neither I nor Nutech claims any further interest in the Formulae and AEG is entitled to access to any and all confidential information regarding the Formulae which the EPA may have or which may have been filed in connection with any prior notification with respect to the Formulae made by Nutech, or in connection with any information provided by Nutech which was supplemental to such notification.

executed oath or declaration and naming Edward T. Jones, Richard Fisher and Lewis Herro as joint inventors.

Accordingly, on September 3, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for late filing.

In response, on November 18, 1999, the instant petition; an affidavit of Edward T. Jones stating he has no further interest in the subject matter and the assignee is entitled to access any and all information regarding the subject matter; a copy of the declaration and power of attorney from the parent application no. 09/156,420; a declaration and power of attorney missing the signature of Edward T. Jones; the required surcharge for late filing and a one-month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1), as set forth above.

As to item (1), petitioner states that, "a bona fide attempt has not been made to present a copy of the application papers (specification, including claims, drawings and Declaration[]) to Edward T. Jones." (Petition, Pg. 2, Paragraph 2). Petitioner must show that a copy of the application papers (including specification, claims and drawings) was presented to the inventor, but that the inventor did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has

If this requirement cannot be met, petitioner should file a petition under 37 CFR 1.183, with the required \$130.00 petition fee, and request the suspension of this requirement under 37 CFR 1.47(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

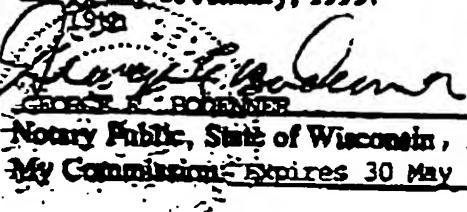
Office of the Deputy Commissioner
for Patent Examination Policy

6. AEG or its designee is the sole entity entitled to access to the information described in paragraph 5 above.
7. I am not an officer or director of AEG and have no authority to act on its behalf.
8. I am giving this Affidavit for the purpose of enabling AEG and its authorized representatives to gain and have exclusive access to all information provided to the EPA, and other regulatory agency or body, by Nurech with respect to the Forumbe.



Edward T. Jones

Subscribed and Sworn to before me
this 28 day of January, 1999.


George E. Boenner
Notary Public, State of Wisconsin, Door County

My Commission Expires 30 May 1999

| PostNet Fax No. | 7671 | Date | 1/19 | # of pages | > 3 |
|-----------------|----------------|---------|---------------------|------------|-----|
| To | KERRY LEVINSKY | From | WISCONSIN COALITION | | |
| Co./Dept. | | Co. | | | |
| Phone | 271-0135 | Phone # | 271-8633 | | |
| Fax # | 272-8191 | Fax # | 271-2866 | | |